IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8237 OF 2004

Lataben D. Desai ...Petitioner
Vs.
State of Maharashtra & Ors. ...Respondents

Mr. Santosh Shettye for Petitioner
Mr. R.M.Patne, GP for Respondents

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 23RD JUNE, 2005

P.C.

1. Heard Mr. Shettye in support of this Petition. Mr.Patne,AGP appears for Respondent Nos.1,2 and 6. The Petitioner was working as a School Teacher in the Primary Section of the School run by Respondent No.4 at Vasai. She was not paid her salary for some time and later on some recovery was sought to be made from the salary paid. She had filed a Petition earlier, and it was disposed of by a Division Bench of this Court by order passed on 17th September, 2002 in Writ Petition No.3977 of 1996. The Division Bench noted that the recovery from the salary to be stopped and therefore, nothing further was required to be done.

2. Subsequently the Petitioner is retired and now the grievance is with respect to the retirement benefits which are not being cleared to her. Although the Petitioner seeks all these benefits, Mr. Shettye learned Counsel appearing for the Petitioner, states that the Petitioner will be satisfied, if a direction

is given to Respondent No.5-Education Officer (Primary Section), Zilla Parishad, Thane to consider and decide the Petitioner's representation in this behalf. Since this is the request of the Petitioner, we do not see any purpose in keeping the Petition pending hearing. Notices have been issued and served upon all the Respondents, though Respondent Nos.3 to 5 have not caused any appearance. In any case, the request made by the Petitioner's Counsel is a reasonable one and an opportunity will be provided by Respondent No.5 to Petitioner as well as to Respondents 3 and 4, when the Petitioner makes a representation and after looking into the matter by the Respondent No.5. Respondent No.5 is expected to decide the representation expeditiously. Mr.Shettye states that the representation will be made within **four weeks** with the copies being forwarded to Respondent Nos.3 and 4. On such a representation being made, Respondent No.5 will call Respondent Nos.3 and 4 for hearing and after looking into all aspects will decide as to whether any particular retirement benefits were due to the Petitioner and pass appropriate orders. Respondent No.5 will endeavour to decide the claim within **three months** after receiving a representation from the Petitioner.

3. Petition stands disposed of accordingly.

(H.L.GOKHALE,J.)

(SMT.R.S.DALVI,J.)